

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

THOMAS DANIEL HOFF,)	
)	Civil Action No. 7:22cv00347
Plaintiff,)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
STEPHEN CLEAR, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Thomas Daniel Hoff, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On December 2 and 8, 2022, the defendants filed motions to dismiss and, on December 5 and 9, 2022, the court issued notices pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 21, 26, 28, & 30.) The *Roseboro* notices gave Hoff 21 days to file responses to the motions and advised him that, if he did not respond to the defendants' motion, the court would "assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading(s)." (*See* ECF Nos. 26 & 30.) The notices further advised Hoff that, if he wished to continue with the case, it was "necessary that [he] respond in an appropriate fashion," and that if he failed to file responses to the motions within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*)

To date, Hoff has not responded to the motions or the court's notices and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 11th day of April, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE